

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

**WWC FINANCE, INC.**

**CHAPTER 13**

**VS.**

**STEVE LEE PATTERSON &  
ANN MARIE PATTERSON, DEBTORS  
&LOCKE D. BARKLEY, TRUSTEE**

**CASE NO. 19-11729-SDM**

**MOTION FOR ABANDONMENT AND RELIEF  
FROM §362 AUTOMATIC STAY**

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**COMES NOW, WWC Finance, Inc.** (“Movant”), by and through their attorney, and respectfully files this their Motion for Relief from §362 Automatic Stay and Abandonment of Property from the bankruptcy estate, and would show unto the Court as follows:

1. A petition under Chapter 13 of the United States Bankruptcy Code with respect to the Debtors in this case was filed on April 23, 2019.
2. On February 10, 2018, Debtor Steve Patterson executed a note secured by a 2009 Nissan Maxima. The Movant is the entity entitled to enforce the note. A true and correct copy of the note and security agreement are attached as Exhibit “A”.
3. The estimated valuation of the subject property is \$7,675.00. The basis for such valuation is a NADA report, attached hereto as Exhibit “B”.
4. As of the date of the petition in the current case, the outstanding obligations total \$8,665.35.
5. In addition to the amounts owed on the note and security agreement, Movant has also incurred \$450.00 in legal fees and \$181.00 in court costs in connection with seeking relief in this motion. Additionally, Movant has incurred \$200.00 in legal fees for filing claims in the previous two cases.

6. The Debtors have filed two previous Chapter 13 cases that have been dismissed in the prior year. Case #19-10906-SDM was filed on March 4, 2019, and dismissed on March 19, 2019. Case # 19-11267-SDM was filed on March 25, 2019, and dismissed on April 23, 2019. Both cases were dismissed for the Debtors' failure to timely submit required documents. Orders of dismissal in both cases are attached hereto as "Exhibit C".

7. Local Rule 4001-1(1) & (4) require a motion to impose the automatic stay to be filed within 4 days of the date of the petition. To date, no such motion has been filed.

8. The automatic stay as it applies to the Movant and the 2009 Nissan Maxima should be lifted and the property abandoned from the bankruptcy estate for the following reasons:

I. The Debtor has had more than one pending case in the previous year. More specifically, the Debtor was dismissed from the previous cases (19-10906-SDM & 19-11267-SDM) for failure to timely file required documents. Pursuant to §362(c)(3), the Movant would state the present case was not filed in good faith.

II. Pursuant to 11 U.S.C §362(c)(4)(B) & local rule 4001-1(1) & (4), Movant would submit there is actually no stay in effect.

III. Debtor has failed to make adequate protection payments.

IV. There is no insurance on the vehicle

V. Debtor has failed to remit plan payments to the Chapter 13 Trustee.

**WHEREFORE, PREMISES CONSIDERED**, Movant prays this Court issue an order terminating or modifying the stay and Granting the Following:

1. Relief from the stay and Co-Debtor Stay for all purposes allowed by the note and security agreement, applicable law, including but not limited to allowing Movant to

proceed under non-applicable bankruptcy law to enforce its remedies to obtain possession of the said property.

2. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
3. That the property be deemed abandoned by the trustee as an asset of the bankruptcy estate effective upon entry of the Court's Order.
4. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
5. The Court enter a 180-day bar to prevent further filings by the Debtor due to failure to perform under the terms of the confirmed plan in the previous case.
6. For such other relief the Court deems proper.

**RESPECTFULLY SUBMITTED**, this the 2<sup>nd</sup> Day of May, 2019.

**WWC FINANCE, INC**

/s/Robert H. Lomenick  
**KAREN B. SCHNELLER**  
**ROBERT H. LOMENICK**  
**SCHNELLER & LOMENICK, PA**  
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**CERTIFICATE OF SERVICE**

I, Robert H Lomenick, Attorney for Movant, do hereby certify that I have this day mailed, via electronic delivery or postage prepaid, a true and correct copy of the above and foregoing Motion of WWC Finance for Relief from §362 Automatic Stay to:

**Jim Arnold**  
**435 E. Beacon St**  
**Philadelphia, MS 39350**

**Steve & Ann Patterson**  
**419 Hope St.**  
**Greenwood, MS 38930**

**Locke Barkley, via ECF, sbeasley@barkley13.com**

**Office of U.S. Trustee, via ECF, USTPRegion05.AB. ECF@usdoj.gov**

This, the 2<sup>ND</sup> Day of May, 2019

/s/ Robert Lomenick  
ROBERT H LOMENICK  
ATTORNEY FOR MOVANT